



7-19-06

Express Mail No. EV 361 327 764 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Chen <i>et al.</i>	Confirmation No.:	4030
Serial No.:	10/705,173	Art Unit:	1625
Filed:	November 6, 2003	Examiner:	Aulakh, Charanjit
For:	FUSED HETEROCYCLIC COMPOUNDS	Attorney Docket No:	11134-013-999

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement mailed May 25, 2006, from the Patent Office, Applicants elect, with traverse, Group I (Claims 1-5) drawn to compounds of formula **I** where Ar represents an aryl. The Restriction Requirement does not require an election of a species encompassed in Group I.

For a restriction to be proper there must be a serious burden on the Examiner. See MPEP § 803.

Applicants traverse the restriction between Group I (Claims 1-5) and Group III (Claims 6-34) and respectfully request that the restriction be withdrawn and that these groups be combined for examination in the instant application. Group III is drawn to compounds of formula **II**. Formula **II** is subgeneric to formula **I** where Ar represents an aryl. Hence, compounds in Group III are encompassed within Group I. Any search results pertaining to compounds encompassed in Group III therefore also pertain to compounds encompassed in Group I. It is respectfully submitted that it would not be a serious burden on the Patent Office to join together Group I and Group III.

Applicants traverse the restriction between Group IV (Claims 35-52) and Group VI (Claims 35-52). Group IV is drawn to compositions and methods utilizing compounds of Group I, whereas Group VI is drawn to compositions and methods utilizing compounds of Group III. For reasons similar to those explained above, Applicants respectfully submit that

it would not be a serious burden on the Patent Office to join together Group IV and Group VI.

Applicants traverse the restriction between elected Group I, drawn to compounds, and Group IV and/or VI, which are drawn to pharmaceutical compositions and methods of treatment. Any search with respect to the chemical structures of the compounds used in the compositions or methods recited in the claims of Group IV and/or VI will be relevant to the compounds recited in the claims of Group I. Applicants respectfully submit that it would not be a serious burden on the Patent Office to join together Group I and Group IV and/or Group VI.

In the event the Restriction is maintained, Applicants request that upon allowance of claims corresponding to those of Group I, claims depending from or otherwise including all the limitations of the allowable claims (claims of Groups IV and/or Group VI), be examined in the instant application. *See* MPEP § 809.03.

Applicants fully reserve the right to pursue non-elected subject matter in one or more later filed divisional, continuation, or continuation-in-part applications.

Enclosed herewith is a Petition for Extension of Time for one month.

No fee, other than that for the petition to extend time, is believed to be due with this paper. However, the Commissioner is hereby authorized to charge any required fee to Jones Day deposit account No. 50-3013 (order no. 893053-999013). A copy of this sheet is enclosed.

Respectfully submitted,

Date: July 17, 2006



54,398

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